

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONNELL HARRIS,

Plaintiff,

v.

9:07-CV-0772
(FJS/GHL)

S. THOMPSON, Sergeant, Upstate C.F.;
PERRY, Corr. Officer, Upstate C.F.;
BUCKLEY, Corr. Officer, Upstate C.F.;
R. MacWILLIAMS, Corr. Officer, Upstate
C.F.; T. CHARLAND, Corr. Officer,
Upstate C.F.,

Defendants.

APPEARANCES:

OF COUNSEL:

DONNELL HARRIS
Plaintiff, *pro se*
05-R-2325
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

HON. ANDREW M. CUOMO
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State of New York
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New York, New York 12224

James B. McGowan, Esq.

FREDERICK J. SCULLIN, S. D. J.

DECISION AND ORDER

Presently before the Court is Magistrate Judge George H. Lowe's September 26, 2008

Report-Recommendation in which he recommends that Court **GRANT** defendants' motion to dismiss for failure to comply with the procedural rules and an Order of the Court. Magistrate Judge Lowe's Report-Recommendation was mail to the plaintiff's last known address, but was returned to the Clerk's Office marked "Return to Sender - Discharged." Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of plaintiff's failure to notify the Court of his change of address, the Court hereby

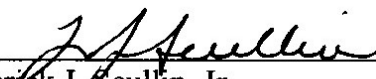
ORDERS that the Report-Recommendation filed by Magistrate Judge George H. Lowe on September 26, 2008 is **ACCEPTED** in its entirety for the reasons stated therein, and the Court further

ORDERS that defendants' motion to dismiss for failure to comply with the procedural rules and an Order of this Court, is **GRANTED**, and the Court further

ORDERS that the Clerk of the Court enter judgment in favor of the defendants and close this case.

IT IS SO ORDERED.

Dated: October 15, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge